

297201

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW Washington, DC 20503.

USCG-2004-19085-4

1. Agency/Subagency originating request <u>Dept. of Homeland Security/US Coast Guard</u>		2. OMB control number a. <u>1 6 2 5 - 0 0 5 8</u> b. <input type="checkbox"/> None	
3. Type of information collection (check one) a. <input type="checkbox"/> New collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input checked="" type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number <i>For b-f, note item A2 of Supporting Statement instructions</i>		4. Type of review requested (check one) a. <input checked="" type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by: <u> </u> / <u> </u> / <u> </u> c. <input type="checkbox"/> Delegated 5. Small entities. Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: <u> </u> / <u> </u>	
7. Title <u>Application for Permit to Transport Municipal and Commercial Waste</u>			
8. Agency form number(s) (if applicable) <u>n/a</u>			
9. Keywords <u>Application, Permit, Pollution prevention, Vessel, Waste</u>			
10. Abstract <u>This information collection provides the basis for issuing or denying a permit for the transportation of municipal or commercial waste in the coastal waters of the United States. Respondents are owners and operators of vessels.</u>			
11. Affected public (Mark primary with "P" and all others that apply with "X") a. <u> </u> Individuals or households d. <u> </u> Farms b. <u>P</u> Business or other for-profit e. <u> </u> Federal Government c. <u> </u> Not-for-profit institutions f. <u>X</u> State, Local or Tribal Gov't		12. Obligation to respond (Mark primary with "P" and all others that apply with "X") a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input checked="" type="checkbox"/> Mandatory	
13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>59</u> b. Total annual responses <u>59</u> 1. Percentage of these responses collected electronically <u>15</u> % c. Total annual hours requested <u>69</u> d. Current OMB inventory <u>391</u> e. Difference <u>- 322</u> f. Explanation of difference 1. Program change <u> </u> 2. Adjustment <u>- 322</u>		14. Annual reporting and recordkeeping cost burden (in thousands of dollars) a. Total annualized capital/startup costs <u> </u> b. Total annual costs (O&M) <u> </u> c. Total annualized cost requested <u> </u> d. Current OMB inventory <u> </u> e. Difference <u> </u> f. Explanation of difference 1. Program change <u> </u> 2. Adjustment <u> </u>	
15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. <u> </u> Application for benefits e. <u> </u> Program planning or management b. <u> </u> Program evaluation f. <u> </u> Research c. <u> </u> General purpose statistics d. <u> </u> Audit g. <u>P</u> Regulatory or compliance		16. Frequency of recordkeeping or reporting (check all that apply) a. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input checked="" type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input checked="" type="checkbox"/> Other (describe) <u>18-month</u>	
17. Statistical methods Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		18. Agency contact (person who can best answer questions regarding the content of this submission) Name: <u>Mr. David Du Pont</u> Phone: <u>(202) 267-0971</u>	

Supporting Statement for Application for Permit to Transport Municipal and Commercial Waste

A. Justification.

1) Circumstances that make the collection of information necessary.

In accordance with the legislative mandate of the Shore Protection Act (33 USC 2601 *et seq.*), the Secretary of Transportation is authorized to require applications for permits to transport municipal or commercial waste in the coastal waters of the United States and to prescribe an identification number or other marking that the vessels are to display. The Act specifies that prior to issuing permits, the Secretary is to consult with the Administrator of the Environmental Protection Agency (EPA) to determine whether the applicant has a history of serious violations of various environmental laws. The Secretary of Transportation delegated this authority to the Coast Guard on January 12, 1989. Based on the above mandate received from the Secretary of Transportation, the Coast Guard issued an interim regulation on May 24, 1989 (54 FR 22546) requiring owner/operators of vessels to apply for a permit to transport municipal or commercial waste in the coastal waters of the United States and to display an identification number on the vessel.

The date of enactment for the Shore Protection Act was November 1988. Permit applications were to be made publicly available 60 days after the date of enactment (January 17, 1989). The Act requires that permits must be issued or denied by the Coast Guard within 30 days after receiving a completed application. Vessels may not transport municipal or commercial waste without a permit 240 days after the date of enactment, which was July 15, 1989.

The Act also requires the Administrator of EPA to draft regulations establishing operational requirements to prevent wastes from entering coastal waters during vessel loading and unloading operations and during vessel transportation from a waste source to a waste reception facility. The Coast Guard is responsible for enforcing the operational waste-handling regulations developed by EPA.

The information collected on the vessels, under this collection of information request, provides the basis for issuing or denying a conditional permit for the transportation of municipal or commercial waste. The Coast Guard is authorized to suspend or revoke a permit if the vessel owner/operator is found to be in violation of the Act or regulations issued under the authority of the Act. Unless the information is collected and permits and identification numbers are issued, waste haulers will not be in compliance with the Act and the Coast Guard will not be able to carry out its permitting responsibilities under the Act.

Code	Regulation/Action	Date
33 USC 2601	Shore Protection Act (Date of Enactment)	November 18, 1988
	Secretary of Transportation delegates authority of Act to Coast Guard	January 12, 1989
33 USC 2602	Permit applications publicly available	January 17, 1989
54 FR 22546	Coast Guard Interim Regulation	May 24, 1989
33 USC 2601	No transportation without permit (Statutory Deadline)	July 15, 1989

This information collection supports the following strategic goals:

Coast Guard

- Protection of Natural Resources

Marine Safety, Security and Environmental Protection Directorate (G-M)

- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.

2) By whom, how, and for what purpose the information is to be used.

The information submitted on an application is essential for the Coast Guard to issue permits to vessels transporting municipal or commercial waste. Without this information, the Coast Guard will have no rational basis for issuing or denying a permit or for issuing an identification number to these vessels. Unless the information is collected and permits and identification numbers are issued, waste haulers will not be in compliance with the Shore Protection Act and the Coast Guard will not be able to carry out its permitting responsibilities under the Act.

3) Consideration of the use of improved information technology.

Unlike many other collections of information, this collection does not require the use of standard forms. Instead, the information provided by the respondents is particular to each request. The initial application contains all necessary information for issuing a permit. Owners or operators applying for a permit renewal will be asked to verify the information on their current applications. This will reduce the burden on the public and the Federal government for issuing permits and maintaining records. Respondent's submissions may be sent by any of a number of formats, and submissions are amenable to the use of improved information technology.

We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that 15% of them are done in this manner.

4) Efforts to identify duplication. Why similar information cannot be used.

The Coast Guard maintains the only comprehensive data files on U.S. owned commercial vessels in the United States. Many of the vessels transporting municipal or commercial waste are undocumented and uninspected vessels. The Coast Guard has no information relating to the ownership or operation of these undocumented and uninspected vessels. No state or local regulations exist relating to this issue. No similar information collection is conducted by other Federal agencies. As noted, there is no equivalent or similar information collected that can be used.

5) Methods to minimize the burden to small businesses if involved.

In order to minimize the burden to small entities, only the minimum information necessary for the Coast Guard to fulfill its obligations under the Act, or to preserve administrative remedies for the respondents is required.

6) Consequences to the Federal program if collection were not done or conducted less frequently.

In order to allow vessels transporting municipal and commercial waste to continue to operate after July 15, 1989, the Coast Guard initiated an interim system for application and issuance of permits and vessel identification numbers. Permits issued under this interim system are conditional permits.

7) Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with guidelines.

Information is collected in manner that is consistent with the guidelines.

8) Consultation.

Implementing rules were developed following the APA.

9) Explain any decision to provide payment or gift to respondents.

No payments or gifts of any kind are provided to respondents.

10) Describe any assurance of confidentiality provided to respondents.

No assurance of confidentiality is provided to respondents.

11) Additional justification for any questions of a sensitive nature.

There are no issues of a sensitive nature involved in this information collection.

12) Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.

Hour Burden to Respondents

The total burden to respondents is estimated to be **69 hours** (shown in Table 12-1). The calculations for the burden are as follows:

(1) Application for a conditional permit: We estimate 59 per year, using data from the past 6 years (56 revision to existing applications and 3 new submission).¹ The average time needed to complete and submit the application is 0.75 hours

(2) Appeals: We estimate 1 appeal per year. (NOTE--there were no appeals received between 2001-2004). The average time to prepare an appeal is 9 hours.

(3) Display of vessel ID number: We estimate 16 per year. The average time to display the identification number is 1 hour.

Table 12-1

Total Hour Burden

	Applications and Resubmittals	Appeals	Display vessel ID number	Total
Number	59	1	16	
Time (hours)	.75	9	1	
Total (hours)	44	9	16	69

Costs to Respondents

Total cost to respondents is estimated at **\$3,425**.

a. Application for a Conditional Permit: The Coast Guard estimates that it will take an average of approximately 0.5 hours of management time at \$71 per hour (equivalent to an average of a GS-14 and GS-15 per *COMDTINST 73101.1F*) to prepare and review the appropriate information required for a conditional permit and approximately 0.25 hours of clerical time at \$23 per hour (equivalent to GS-04) to type this information. Table 12-2 presents the total costs to the public for submitting applications for conditional permits.

¹ A total of 4 submittals (3 new and 1 renewal) were received at the Coast Guard between 2001-2004.

Table 12-2
Cost of a Conditional Permit

	Clerical	Management	Total
Hourly rate	\$23 (GS-04)	\$71 (avg. of GS-14 and 15)	
Time to type application (hours)	0.25		
Time to prepare application (hours)		0.50	
Number of applications	59	59	59
Total	\$339	\$2,095	\$2,434

b. Appeals: We will assume 1 per year.² Each appeal will require 8 hours of management time to prepare and 1 hour of clerical time to type. Table 12-3 presents the costs to the public for appealing an issuance of denial or withdrawal of a conditional permit.

Table 12-3
Cost to Appeal

	Clerical	Management	Total
Hourly rate	\$23 (GS-04)	\$71 (avg. of GS-14 and 15)	
Time to type appeal (hours)	1.0		
Time to prepare appeal (hours)		8.0	
Number of appeals	1	1	1
Total	\$23	\$568	\$591

c. Display of Vessel Identification Number: The Coast Guard estimates 1 hour of crew time at \$25 per hour (equivalent to a Petty Officer or E-4) will be required to paint or by other means display the identification number of the vessel. We estimate 16 per year. Table 12-4 presents the total cost of displaying the identification number on a vessel receiving its conditional permit for the first time.

Table 12-4
Cost of Displaying an Identification Number

	Crew Member
Hourly rate	\$25 (E-4)
Time to display vessel ID number (hours)	1.0
Number of vessels	16
Total	\$400

d. Total Cost to Respondents: Table 12-5 presents the total cost of complying with this collection of information.

Table 12-5
Total Compliance Cost to Public

	Total Cost to Respondents
Cost of applications	\$2,434
Cost of appeals	\$ 591
Cost of displaying vessel ID number	\$ 400
Total	\$3,425

² There were no appeals between 2001-2004.

13) Estimates of annualized capital and start-up costs.

There are no annualized capital and start-up costs.

14) Estimates of annualized Federal Government costs.

Hour Burden to Federal Government

The total burden to the Federal Government is estimated to be **496 hours**. The Federal Government burden is from the Coast Guard's review, processing, and recordkeeping of each application and appeal. Federal Government burden also includes EPA's assessment of the applicant's violation of various environmental laws.

(1) Process Applications: We estimate 59 per year. The average time needed to process, review, and prepare the correspondence to forward the application is 3 hours. Therefore, a total of 177 hours (59 x 3 hours) are necessary to process the applications.

(2) Appeals: We estimate 1 appeal per year. The average time for the Coast Guard to review and prepare a response to an appeal is 9 hours. The annual burden on the Coast Guard for the appeals is 9 hours (1x 9 hours).

(3) Recordkeeping: The Coast Guard must maintain records on all of the vessels receiving conditional permits. The average time to maintain records for each of the vessels is 0.25 hour. Based on the 59 applications submitted on average per year, the annual burden on the Coast Guard is 15 hours (59 x 0.25 hours).

(4) EPA Review of Applications: There will be 59 applications submitted for conditional permits on average per year. EPA must review all applications to determine whether the applicant has a history of violations of environmental laws. The average time to conduct research, review the findings, consult with all affected offices, draft correspondence, and provide a final review of all information is 5 hours. The estimated annual hour burden on EPA is 295 hours (59 x 5 hours).

Cost to the Federal Government

Total costs to the Federal Government are estimated at **\$21,996**. The estimated cost to the Federal Government is based on the hourly rates from Enclosure (2) to *COMDTINST 73101.1F*.

a. Processing Applications: The Coast Guard estimates that each application for a conditional permit will require 3 hours of time, equivalent to a Lieutenant (O-3) at \$43 per hour, to process. It will also require 0.5 hours of commissioned officer time at \$43 per hour (equivalent to LT) to review each application and conditional permit and to prepare the correspondence forwarding the application to EPA. At EPA it will be determined whether the vessel's owner or operator has a history of serious violations of various environmental laws. Table 13-1 presents the cost to the Coast Guard for processing applications and issuing conditional permits.

Table 13-1
Cost to Process and Review Conditional Permits

	Officer to Process	Officer to Review	Total
Hourly rate	\$43 (O-3)	\$43 (O-3)	
Time to process application (hours)	3		
Time to review application (hours)		0.50	
Number of applications	59	59	59
Total	\$7,611	\$1,269	\$8,880

b. Appeals: The Coast Guard estimates each appeal will require 8 hours of commissioned officer time to review and prepare a response to an appeal and 1 hour to type the response. Table 13-2 presents the cost to the Coast Guard for processing appeals.

Table 13-2
Cost for Appeals

	Officer to Review	Officer to Type	Total
Hourly rate	\$43 (O-3)	\$43 (O-3)	
Time to type response to appeal (hours)	1.0		
Time to review and respond to appeal (hours)		8.0	
Number of appeals	1	1	1
Total	\$43	\$344	\$387

c. **Recordkeeping:** The Coast Guard estimates that 0.25 hours of O-3 time will be required to maintain a record of each vessel receiving a conditional permit. Table 13-3 presents the cost to the Coast Guard for maintaining records on vessels receiving conditional permits.

Table 13-3
Recordkeeping Costs

	Officer
Hourly rate	\$43 (O-3)
Time to file application and enter in MSIS	0.25
Number of respondents	59
Total recordkeeping costs	\$634

Environmental Protection Agency

d. **Applications:** The EPA estimates that each application will require 1 hour of GS-5 time at \$22 per hour to conduct a database search to determine whether the owner/operator has a history of violations and to produce a record of the findings. Approximately 2 hours of GS-10 time at \$36 per hour will be required to review the record, consult with the offices responsible for administering the various environmental programs and to draft both the correspondence advising the Coast Guard of the findings and the recommendation for issuing or denying a conditional permit. An additional hour of GS-12 time at \$44 per hour will be required to review the record and correspondence before final review and signature by a GS-15 will require one hour at \$67 per hour. Table 13-4 presents the cost to the EPA for administering the permitting program.

Table 13-4
EPA Costs for Reviewing Applications for Conditional Permits

	GS-5	GS-10	GS-12	GS-15	Total
Hourly rate	\$22	\$36	\$44	\$67	
Time for record search and clerical (hours)	1.0				
Time for record review and correspondence preparation (hours)		2.0			
Time to review correspondence and records (hours)			1.0		
Time for final review, signature, and consultation (hours)				1.0	
Number of applications	59	59	59	59	59
Total	\$1,298	\$4,248	\$2,596	\$3,953	\$12,095

e. **Total Cost to the Federal Government:** Table 13-5 presents the total cost to the Federal Government for processing applications and issuing permits.

Table 13-5
Total Cost to Federal Government

	Total
Application and permit cost to Coast Guard	\$ 8,880
Cost of appeals	\$ 387
Recordkeeping cost to Coast Guard	\$ 634
Application/permit cost to EPA	\$12,095
Total	\$21,996

15) Explain the reasons for the change in burden.

The change in burden is an ADJUSTMENT due to the reduction in application/renewals received by the Coast Guard.

16) For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.

There is no plan to use statistical analysis or to publish this information.

17) Approval to not display expiration date.

We are not seeking such approval. The OMB Number will appear on appropriate PRA disclosure information.

18) Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.